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REMARKS

Upon entry of the present amendment, claims 1, 4, 8, 9, 11, 13, 16, 18, and 22-38 will have been amended.

Initially, Applicants would like to thank the Examiner for attaching the Notice of References Cited and PTO-1449 forms, the forms having been appropriately initialed by the Examiner to indicate consideration of the documents.

Applicants also thank the Examiner for his indication that claims 5-7, 12-13, 15, 21, 26-28, 33-34, and 36 would be allowable if rewritten into independent form.

In the outstanding Official Action, the Examiner rejected claims 1, 2, 4, 9, 14, 16, 17, 19, 20, 22, 23, 25, 30, 35, 37, 38 under 35 U.S.C. § 103(a) as being unpatentable over BRUCE et al. (U.S. 6,539,080), and in view of BURG et al. (U.S. 6,456,699). The Examiner also rejected claims 3 and 24 under 35 U.S.C. § 103(a) as being unpatentable over BRUCE et al., and in view of BURG et al., O'SULLIVAN (U.S. 5,493,608). The Examiner also rejected claims 8 and 29 under 35 U.S.C. § 103(a) as being unpatentable over BRUCE et al., and in view of BURG et al., HARRISON et al. (U.S. 6,418,216). The Examiner also rejected claims 10, 11, 31, and 32 under 35 U.S.C. § 103(a) as being unpatentable over BRUCE et al., and in view of BURG et al., ALPDEMIR (U.S. 6,658,389). The Examiner also rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over BRUCE et al., and in view of BURG et al., SASSIN et al. (U.S. 6,456,619).

Applicants respectfully traverse the rejection under 35 U.S.C. § 103(a).

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BRUCE et al. does not qualify as prior art against the present application for purposes of a rejection under 35 U.S.C. § 103(a) due to common ownership with the present application (see 35 U.S.C. § 103(c). It is noted that BRUCE et al. issued from U.S. Application No. 09/114,841 which was filed on July 14, 1998. However, BRUCE et al. did not issue until March 25, 2003. Therefore, it appears that BRUCE et al. was applied in the Office Action as a 102(e)/103 reference.

As pointed out above, BRUCE et al. is not available for use as prior art against the present application for purposes of a rejection under 35 U.S.C. § 103(a) due to common ownership. The present application (owned by SBC at the time of the invention) and BRUCE et al. (issued to Ameritech Corporation) were, at the time of the invention of the present application, owned by or subject to an obligation of assignment to the same person (i.e., SBC Communications Inc.), by virtue of SBC Communications Inc.'s acquisition of Ameritech Corporation in 1999. Hence, SBC owned both the present application and, BRUCE et al. at the time of the invention of the present application.

Therefore, the rejections of claims 1, 2, 3, 4, 8, 9, 10, 11, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 29, 30, 31, 32, 35, 37, 38 under 35 U.S.C. § 103(a) as being unpatentable over BRUCE et al. in view of any of the other references cited by the Examiner is at least improper due to the unavailability of BRUCE et al. as prior art. Accordingly, the withdrawal of such rejections is respectfully requested.

Furthermore, the Examiner correctly notes that BRUCE et al. does not disclose automatically pausing the sequence of the instructions after each instruction for a

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predetermined amount of time so as to permit the caller to perform the task identified in an instruction, nor, querying the caller after each instruction as to whether the caller has performed the task identified in the instruction, as recited in the claims of the present application. The Examiner relied upon BURG et al. in a 35 U.S.C. § 103(a) rejection for a teaching of the missing features of BRUCE et al.. Applicants respectfully traverse.

The Examiner indicated that the IVR of BURG et al. pauses at a termination point. BURG et al. waits for instructions from a user to connect to another node (col. 12, lines 64-65). The claims of the present application recite automatically pausing the sequence of instructions after each instruction for a predetermined amount of time so as to permit the caller to perform the task identified in an instruction. Thus, BURG et al. waits for instructions from a user, rather than waiting for a caller to perform a task identified in an instruction.

The Examiner indicated that BURG et al. teaches asking "could you repeat that", to confirm the caller's selection. While Fig. 7 of BURG et al. indicates that the phrase "could you repeat that" is used, the claims of the present application recite querying the caller after each instruction as to whether the caller has performed the task identified in the instruction. Thus, BURG et al. merely asks the caller to repeat something, rather than asking the caller after each instruction as to whether the caller performed the task identified in the instruction.

Accordingly, BURG et al. is clearly deficient in view of the presented claims. Applicants note that they have made very minor amendments to claims 1, 4, 8, 9, 11, 13, 16, 18 and 22-38 for the sake of clarity.

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-- Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of the claims, as well as an indication of the allowability of each of the claims in view of the remarks.

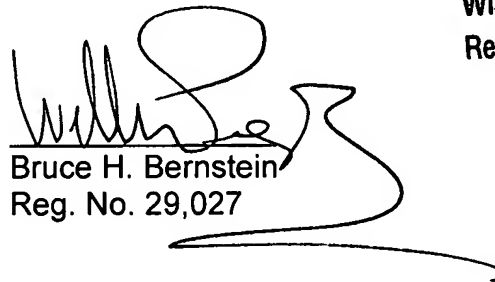
SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the recited claims are respectfully requested and now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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